

COMMITTEE SUBSTITUTE

BOARD BILL # 212

**INTRODUCED BY ALDERMAN CRAIG SCHMID,
ALDERMAN FREEMAN BOSLEY, SR**

1 An ordinance pertaining to noise; repealing Paragraph (7) of Section One of Ordinance
2 41720, approved on January 4, 1940, and codified as Section 15.50.080 of the Revised Code, and
3 enacting in lieu thereof a new ordinance prohibiting construction, demolition and excavating within
4 one thousand (1,000) feet of a residential property, including excavation, demolition, alteration or
5 repair of any building, land clearing, land grading or road and utility construction within one
6 thousand (1,000) feet of a residential property before 6:00 a.m. and after dusk, Monday through
7 Saturday, except in case of an urgent necessity in the interest of public safety; containing definitions,
8 an penalty clause and an emergency clause.

9 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

10 **SECTION ONE.** Paragraph (7) of Section One of Ordinance 41720 is hereby repealed and
11 in lieu thereof the following provisions are hereby enacted.

12 **SECTION TWO.** For purposes of this ordinance the following definitions shall apply:

13 A. "Construction" means any land grading, road and utility construction, and the use of any
14 power equipment outside of a building or structure for purposes of site preparation, assembly,
15 erection, repair, alteration or similar actions which generates noise audible at a residential property.
16 "Construction" shall include manual demolition of buildings or structures which generate noise with
17 or without the aid of power equipment.

18 B. "Demolition" means any dismantling, destruction or removal of buildings, structures, or
19 roadways.

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1 **SECTION THREE.** Construction, demolition and excavation within one thousand (1,000)
2 feet of a residential property, including excavation, demolition, alteration or repair of any building,
3 land clearing, land grading or road and utility construction within one thousand (1,000) feet of a
4 residential property is prohibited before 6:00 a.m. and after dusk., Monday through Saturday, except
5 in case of an urgent necessity in the interest of public safety for a period of three (3) days. After three
6 (3) days the urgent necessity will be deemed to have elapsed unless a permit has been obtained from
7 the Building Commissioner which allows specific action during any of the hours between 6:00 a.m.
8 and dusk, Monday through Saturday.

9 **SECTION FOUR.** Penalties

10 Any person who violates this ordinance or any person who shall permit any such prohibited
11 conduct in or upon any house or premises owned or possessed by such person, or under such
12 person's management or control, or permit any employee under such person's management or
13 control to engage in such prohibited conduct shall be subject to the following penalties:

14 a. Upon a plea of guilty or a conviction for a first offense, by a fine of not less than one
15 hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

16 b. Upon a plea of guilty or a conviction for any subsequent offense occurring within one year
17 of the first offense, by a fine of not less than two hundred and fifty dollars (\$250.00) nor more than
18 five hundred dollars (\$500.00).

19 c. The court may, in lieu of a fine, impose not less that twenty (20) hours of community
20 service for the first offense and not less than thirty (30) hours of community service for any
21 subsequent offense occurring within one year of the first offense.

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1 **SECTION FIVE** Emergency clause.

2 This being an ordinance for the preservation of public peace, health, and safety, it is hereby
3 declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the
4 Charter of the City of St. Louis and therefore shall become effective immediately upon its passage
5 and approval by the mayor.